

ENTERED

April 20, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WALTER ALEXANDER SORTO,	§	
Petitioner,	§	
	§	
v.	§	H-10-CV-613
	§	
LORIE DAVIS, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
Respondent.	§	

ORDER

On September 30, 2015, this Court entered a Memorandum and Order denying Walter Alexander Sorto's federal habeas petition. (Docket Entry No. 47). Sorto has appealed and argued, among other issues, that this Court abused its discretion in denying requests for funding that would have enabled him to obtain testing to determine whether he has an intellectual disability.


On March 21, 2018, the United States Supreme Court decided *Ayestas v. Davis*, No. 16-6795, 2018 WL 1402425 (Mar. 21, 2018), a case that rejected the Fifth Circuit's standard for determining whether investigative funds pursuant to 18 U.S.C. § 3599(f) are "reasonably necessary." The Fifth Circuit recently entered an order vacating this Court's "denials of funding" and remanding this case "for its consideration of its denials of funding in light of *Ayestas*." *Sorto v. Davis*, 16-70005 (5th Cir. March 28, 2018).

The Court directs the Clerk to **REOPEN** this case. The Court **ORDERS** the parties to confer and, within ten days from the entry of this Order, submit a joint proposed

scheduling order that complies with the Fifth Circuit's mandate.

The Clerk will provide copies of this Order to the parties.

SIGNED at Houston, Texas, on this 19th day of April, 2018.



KEITH P. ELLISON
United States District Judge